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PTO/SB/21 (08-03)

Approved for use through 08/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	10/050,121
Filing Date	January 18, 2002
First Named Inventor	Randolph M. Howes
Art Unit	1616
Examiner Name	Frank I. Choi
Attorney Docket Number	29794/04001

Total Number of Pages in This Submission

8

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Statement in Support of Petition to Make Special (four pages)	
	Return receipt postcard	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Sean C. Myers-Payne Reg. No. 42,920
Signature	
Date	June 23, 2004

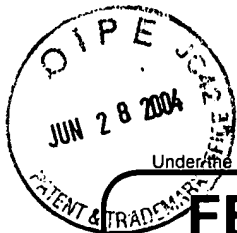
CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Janet L. Norris		
Signature		Date	June 23, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 130.00

Complete if Known

Application Number	10/050,121
Filing Date	January 18, 2002
First Named Inventor	Randolph M. Howes
Examiner Name	Frank I. Choi
Art Unit	1616
Attorney Docket No.	29794/04001

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number
Deposit Account Name

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments

☐ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)				(\$)	

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims		Fee from below		Fee Paid
Total Claims	<input type="text"/>	-20** =	<input type="text"/>	X	<input type="text"/>	<input type="text"/>
Independent Claims	<input type="text"/>	- 3** =	<input type="text"/>	X	<input type="text"/>	<input type="text"/>
Multiple Dependent					<input type="text"/>	<input type="text"/>

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	130.00
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 130.00

SUBMITTED BY

Name (Print/Type)	Sean C. Myers-Payne	Registration No. (Attorney/Agent)	42,920	Telephone	(614) 621-7754
Signature	<i>Sean Myers-Payne</i>	Date	June 23, 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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AF \$ 1616
JFW

PATENT
Customer No. 27874
Attorney Docket No. 29794/04001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Randolph M. Howes) Group Art Unit: 1616
)
Application No.: 10/050,121) Examiner: Frank I. Choi
)
Filed: January 18, 2002) Attorney Docket No.: 29794/04001
)
For: Compositions, Apparatuses, And)
Systems for Singlet Oxygen)
Delivery)

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO MAKE SPECIAL
UNDER 37 C.F.R. § 1.102(d) AND M.P.E.P. § 708.02(X)**

In accordance with 37 C.F.R. § 1.102(d), Applicant hereby petitions the Commissioner of Patents and Trademarks to make this application special and receive accelerated examination. Applicants are enclosing a check for \$130.00 to cover the fee for this Petition as set forth in 37 C.F.R. § 1.17(h).

As set forth in M.P.E.P. § 708.02(X), in view of the importance of developing treatments and cures for HIV/AIDS and cancer and the desirability of prompt disclosure of advances made in these fields, the U.S. Patent and Trademark Office will accord "special" status to patent applications relating to HIV/AIDS and cancer. The attached Statement explains how the invention contributes to the treatment or prevention of cancer.


Applicant notes that up to this point in prosecution, Applicant has taken every step possible (short of petitioning to make this application special) to expedite the prosecution of this application. The application was filed January 18, 2002. A Restriction/Election requirement was mailed by the Office March 26, 2003; Applicant filed a response within one month. A first Office Action was mailed July 15, 2003; Applicant filed a response on August 25, 2003. A final Office Action was mailed December 3, 2003; Applicant responded January 30, 2004. The Office mailed an Advisory Action February 17, 2004; Applicant filed a Notice of Appeal February 25, 2004.

In view of the foregoing and the attached Statement, Applicant respectfully submits that the requirements of M.P.E.P. § 708.02 (II) have been met. Accordingly, Applicant requests that this Petition to Make Special be granted and that this case be considered as quickly as possible.

Please grant any extensions of time required to enter this Petition and charge any additional required fees to our deposit account 03-0172.

Respectfully submitted,

Date: June 23, 2004



Sean C. Myers-Payne

Reg. No. 42,920

Phone: (614) 621-7754

Fax: (614) 621-0010

E-mail: smyers-payne@calfee.com



PATENT
Customer No. 27874
Attorney Docket No. 29794/04001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Randolph M. Howes)	Group Art Unit: 1616
)	
Application No.: 10/050,121)	Examiner: Frank I. Choi
)	
Filed: January 18, 2002)	Attorney Docket No.: 29794/04001
)	
For: Compositions, Apparatuses, And)	
Systems for Singlet Oxygen)	
Delivery)	

Mail Stop Petition
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT IN SUPPORT OF PETITION TO MAKE SPECIAL

I, Randolph M. Howes, am the sole named inventor and sole owner in the above-identified application. I understand that this statement is being submitted in support of a Petition to make this application special.

The production of concentrations of singlet oxygen in the vicinity of a tumor can result in the destruction of at least part of that tumor tissue. This concept has been used in photodynamic therapy of cancers, where a photoactivatable compound is concentrated in and/or around tumor tissue and then activated with light energy. The singlet oxygen produced upon photoactivation produces the desired effect.

The present invention also involves the production of singlet oxygen, but uses a simpler technique by combining a source of peroxide and a source of hypochlorite. Example 1 of the

application, which begins on page 50, shows how the inventive technique is used to remove a pre-cancerous keratosis lesion. Although not yet cancerous, actinic or solar keratosis can be the first step in skin cancer. The results obtained in Example 1 show how keratosis lesions can be removed with this invention. By such treatment, keratosis lesions, or even more advanced cancers can be removed using the same method.

Additional results from working examples of the present invention are provided in a continuing application based on this application (*i.e.* Application No. 10/331,773). Reference is made to Example 2 (pages 89-92), which demonstrates additional treatments of keratoses; Examples 6 and 7 (pages 95-99), which demonstrate the treatment of an equine carcinoma with the invention; and finally, to Example 13 (pages 103-105), which shows treatment of tumors in a mouse model of human cancer. Each of these examples provides additional proof of the concept of the presently disclosed invention.

I am aware that willful false statements and the like are made punishable by fine or imprisonment or both, under § 101 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this patent application or any patent resulting thereof, and I hereby declare that the foregoing statements of fact set forth below are true.

Respectfully submitted,

Date: _____

Dr. Randolph M. Howes



PATENT
Customer No. 27874
Attorney Docket No. 29794/04001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Randolph M. Howes)	Group Art Unit: 1616
)	
Application No.: 10/050,121)	Examiner: Frank I. Choi
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Filed: January 18, 2002)	Attorney Docket No.: 29794/04001
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For: Compositions, Apparatuses, And)	
Systems for Singlet Oxygen)	
Delivery)	

**Mail Stop Petition
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

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Respectfully submitted,

Date: 6/21/04

Dr. Randolph M. Howes
Dr. Randolph M. Howes